

**UNITED STATES DISTRICT COURT
FOR THE NORTHER DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

KEVIN JOHNSON

Defendant

Case No: 14-CR-390

Honorable Milton I. Shadur

**OPPOSITION TO DEFENDANT KEVIN JOHNSON’S MOTION TO VACATE
ABRAHAM R. WAGNER’S PRO HAC VICE APPEARANCE
BY EDYTHE LONDON, ET AL., AMICI CURIAE**

Comes now Edythe D. London, et al., *amici curiae* through their attorney Abraham R. Wagner, *pro hac vice* in opposition to the Defendant Kevin Johnson’s Motion to Vacate Abraham R. Wagner’s Pro Hac Vice Appearance (Docket No. 57).

1. Abraham R. Wagner filed his *pro hac vice* appearance on October 4, 2014 for permission to appear on behalf of Dr. Edythe D. London, et al., who are a group of 18 scientists and medical researchers that have been personally subjected to criminal violence and continued harassment from animal rights activists over the past decade, including specific criminal acts in California by the Defendant and co-Defendant in this case.
2. As previously discussed by e-mail with counsel to Mr. Johnson the *amici* anticipate filing a brief *amicus curiae* in support of the United States of America, to which

Defendant Johnson's counsel (Mr. Deutsch) had no objection. Why attorney Deutsch's co-counsel (Ms. McCartin) now brings this motion is unclear.

3. At no time has there been any filing by attorney Wagner that would indicate that he has been retained by Mr. Johnson or would be involved in his defense. The interests of these *amici* are consistent with those of the United States of America and any brief filed would be in support thereof. Any docket entries inconsistent with this position were errors on the part of the court clerk who was promptly advised and has been kind enough to correct the record.
4. Additionally Local Rule 83.14 requires the designation of local counsel within 30 days of the filing of the *pro hac vice* application. As 30 days have not yet elapsed since the *pro hac vice* filing on October 4, 2014, it is unclear what point is being made in Paragraph 3 of the Motion to Vacate. Certainly there is no case law to support a motion to vacate in advance of the time specified in the Local Rule.
5. Further the Certificate of Service with respect to this motion executed by attorney Lillian McCartin states that the following document was served: "Defendant Kevin Johnson's Motion to Join Co-Defendant's Pre-Trial Motions" which is not the motion attached thereto. Accordingly this service should be considered defective.

WHEREFORE, for the foregoing reasons, the *amici* respectfully request that the court dismiss Defendant Kevin Johnson's Motion to Vacate Abraham R. Wagner's Pro Hac Vice Appearance.

RESPECTFULLY SUBMITTED,

Dated: October 21, 2014

/s/ Abraham R. Wagner

Abraham R. Wagner (CA Bar No. 86682)

(pro hac vice)

Counsel of Record

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CERTIFICATE OF SERVICE

I certify that the foregoing **Opposition to Defendant Kevin Johnson's Motion to Vacate Abraham R. Wagner's Pro Hac Vice Appearance by Edythe London, et al., amici curiae** was electronically filed with the Clerk of the Court using the CM/ECF system on this 21st day of October 2014 to all parties of record.

/s/ Abraham R. Wagner

Abraham R. Wagner (CA Bar No. 86682)

(pro hac vice)

Counsel of Record

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